

Exhibit D

Subject: FW: Exh D

-----Original Message-----

From: Edward DeFranco [<mailto:eddefranco@quinnemanuel.com>]
Sent: Sunday, November 22, 2009 12:07 PM
To: Joseph S. Grinstein
Subject: RE: IC Surreply/SJ Reply Briefs

Joe - Don't know if you're in today, but I wanted to speak with you for a minute about pushing back each of sj replies and non IC expert reports back another day (FM's IC responsive report is already due weds). Please get back to me one way or the other when you get a chance. Thanks, Ed

-----Original Message-----

From: Joseph S. Grinstein [<mailto:jgrinstein@susmangodfrey.com>]
Sent: Wednesday, November 18, 2009 3:49 PM
To: Edward DeFranco
Cc: Gil Gillam; Max L. Tribble; Justin A. Nelson
Subject: RE: IC Surreply/SJ Reply Briefs

Ed --

Actually, we wanted the IC surreply to be filed tomorrow also so that our IC expert could have sufficient time with it before his report is due.

If you want to move the schedule, then we would propose:

1. IC surreply on Friday. Pretrial order also on Friday, as scheduled.
2. MSJ replies on Monday. Let's put MIL replies on Monday too.
3. Non-IC expert reports on Tuesday, as scheduled.
4. Our IC expert report on Wednesday.

Let me know what you think,
Joe

-----Original Message-----

From: Edward DeFranco [<mailto:eddefranco@quinnemanuel.com>]
Sent: Wednesday, November 18, 2009 1:59 PM
To: Joseph S. Grinstein
Cc: Gil Gillam
Subject: IC Surreply/SJ Reply Briefs

Joe,

I'd like to get another day on our IC surreply; that is, moving the due date from tomorrow to Friday. I have reviewed the correction you filed yesterday, and we are considering filing one of our own.

I know you want to have our the surreply before we file sj replies, and we could accommodate that moving sj replies to Monday.

12/14/2009

Please get back to me as soon as you can. Thanks, Ed